

REMARKS

Independent Claim 102 has been amended to clarify the scope of the claimed subject matter.

Claims 121 and 124 have been amended to correct a typographical error.

Claims 102-126 have been rejected as anticipated by U.S. Pat. Pub. No. 2001/0018664 (“Jacoves”).

For the reasons identified below, reconsideration and withdrawal of the rejection is respectfully requested.

Background

The present application is directed to a method of processing rebates. It is generally understood that a rebate requires a customer to take some action subsequent to a purchase transaction in order to receive a rebate (cash or otherwise.) The typical action is for the customer to request the rebate and provide evidence that the rebate product was actually purchased. A rebate presents a unique problem not associated with instant discounts and coupons (where credit is given at the point-of-sale), that is the customer must provide evidence after the fact that the rebated product was actually purchased.

Customers who request rebates who have not actually purchased the rebated products present a huge fraud threat to the rebate processor. In the past, customers have been required to provide “UPC” codes from packages or other product specific codes in order to evidence that the rebated product was purchased.

Present Application

The pending claims are directed to a method whereby an identifier which identifies the purchase transaction (but not the specific products) is assigned and provided to the customer at the point of sale. In order to request a rebate, the customer provides the transaction identifier to a rebate processor which uses the transaction identifier as evidence of the purchase of the rebated product. The rebate processor matches the transaction identifier provided by the customer with a transaction number provided by the marketing entity to verify that the rebated goods were actually purchased in the transaction, thereby reducing the opportunity for a customer to submit a fraudulent rebate request.

Cited Art

Jacoves is directed to a system and method of providing discounts in a multiple product discount environment, i.e., a purchase of one product provides a discount on the purchase of another product. Specifically, Jacoves is directed to a fuel rewards system where the purchase of a designated product provide a discount on the subsequent purchase of fuel. Jacoves discloses that at a point of sale of a first product, a receipt is provided to a customer which identifies an award amount which can be used in the subsequent purchase of another product, i.e., fuel in the example described. (Fig. 5, para. 38-41) In order to redeem the award, the customer inputs its identity and the value of the award to be redeemed. (paragraph 45). “The identifier for the purchaser may also be provided by a code which is manually entered by the user, such as four digit code identifying a particular unit of accumulated credit discounts which should be applied to

the gasoline purchase.” (paragraph 45). The redemption receipt which is provided to the purchaser of the first product acts as a discount or instant coupon when presented for purchase of the other product. As an instant discount or coupon, there is no description in Jacoves of any verification that the first product was actually purchased by reviewing the purchase records of the goods purchased in the initial transaction at the time of redemption of the award.

The Present Rejection

Independent Claim 102 has been rejected as anticipated by Jacoves. However, it is not clear how the examiner is reading the claim limitations on the cited paragraphs of Jacoves. For example, the Office Action asserts that the claim limitation “receiving at the processing site from the purchaser subsequent to the completion of the purchase, a unique transaction identifier, such identifier being assigned at the point-of-sale of a purchase transaction and being independent of the identification of products purchased in such purchase transaction” is found in paragraphs 45, 46 and 49. However, paragraph 45 and 49 clearly disclose that the “four-digit code” is used to identify a purchaser in a second POS terminal in order to identify the accumulated discount credit. Thus, the four-digit code is not a unique transaction identifier identifying the purchase transactions as claimed, but rather functions as a purchaser’s identifier in order to identify accumulated discount credit which should be applied to a purchaser. Further, Claim 102 as amended recites the limitation “receiving at the processing site from the marketing entity information including the unique transaction identifier and the products purchased in that transaction.” The Office Action asserts that this limitation is found at paragraph 44.

However, paragraph 44 is silent with respect to the four-digit code (or other identification of purchaser identity) asserted by the examiner to be the unique transaction number.

Claim 102 also includes the limitation “using at the processing site, the unique transaction identifier provided by the purchaser to access the information provided by the supplier and the marketing entity to ascertain the applicability of promotions to the goods in the identified purchase transaction.” The Office Action states that this limitation is found in paragraphs 44-46. However, there is no disclosure of the use of the four-digit code to access the claimed product information provided by a supplier nor of information related to the unique transaction identifier and the product purchased in that transaction provided by the marketing entity. Rather, paragraphs 45 and 46 discloses that the accumulated discount is credited when the four-digit code (or identity of the purchaser) is inputted. There is no disclosure that any other information is accessed other than the accumulated discount credit. Because Jacoves treats the redemption of the fuel rewards as an instant discount or a coupon, the only information needed for Jacoves to redeem the discount is the amount of the discount and therefore the purchase records from the initial purchase transaction do not need to be accessed, as required in Claim 102.

Applicant also notes that Jacoves does disclose a unique transaction identifier as the unique ID for the transaction (UID) in paragraph 42. The UID is not used by the customer to redeem the fuel award and it is not used by the processing system to access purchase records to validate the redemption at the time the customer submits its redemption request. Thus Jacoves actually teaches away from using the unique transaction identifier as claimed. Applicant also notes that the disclosure of the UID in

Jacoves undermines the examiner's position that the "four-digit code" is the unique transaction identifier since it would be redundant for Jacoves to disclose that each transaction is assigned **two** unique identifiers, the four-digit code **and** the UID.

In light of the arguments above, reconsideration and allowance of Claim 102 is requested.

Independent Claim 104 recites the limitation "a plurality of purchase data records, each purchase data record pertaining to a sales transaction, wherein each purchase data record (i) includes a transaction code for identifying the sales transaction and (ii) identifies at least one product purchased in connection with such transaction." The Office Action has asserted that the transaction code recited in this limitation is the UID identified in Figure 16. Claim 104 also recites "a purchaser rebate claim containing a transaction code assigned at the point of sale." However, the Office Action asserts that this transaction code is not the UID it previously identified, but instead is the "four-digit code" found in paragraph 46. This inconsistent reading of the claim language is improper, particularly in light of the further recited limitation in Claim 104 that a processor is programmed "to seek to match the transaction code submitted in the purchase rebate claim with a transaction code of a stored data record" and "upon successfully matching a transaction code submitted with a rebate claim with a transaction code stored in a stored data record, to compare a first product contained in said stored data record with the stored product promotion rebate information to determine if such first product is eligible for one or more rebates." In addition to the fact that the "four-digit code" does not identify a transaction, as discussed above, clearly, there is no

disclosure in Jacoves of comparing the four-digit code provided by a customer with the UID in order to identify products purchased in the initial transaction to determine if they are eligible for a rebate. Reconsideration and allowance of Claim 104 is requested.

Independent Claims 110, 116, 121 and 124 recite limitations similar to Claim 104 and should therefore be allowable for the same reasons as Claim 104 discussed above. For example, for each of these claims, the Office Action asserts that the “four-digit code” is the transaction identifier, and asserts that the four digit code is compared to the UID to in order to identify products purchased in the initial transaction to determine if they are eligible for a rebate. These assertions are not supported by a fair reading of Jacoves that describes the use of a code by the customer which identifies the customer or the total amount of the accumulated discount to redeem a fuel award without any matching of transaction identifiers or review of the products purchased in the initial transaction. Reconsideration and allowance of Claim 110, 116, 121 and 124 is requested.

The remaining claims ultimately depend from their respective independent claims and are therefore allowable with their respective independent claims without regard to the further patentable limitations respectively recited therein.

Reconsideration and withdrawal of the rejections and the immediate allowance of
the application is accordingly solicited.

Respectfully submitted,



Patrick D. McPherson Reg. No. 46,255

DUANE MORRIS LLP
505 9th Street N.W., Suite 1000
Washington, DC 20006
Telephone: (202) 776-7800
Facsimile: (202) 776-7801

Dated: July 10, 2009